

JUDGE CASTEL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

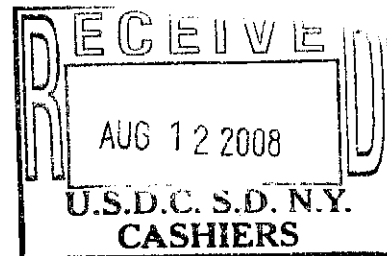
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VNE CORPORATION,

Plaintiff,

-against-

M/V "APL CHINA", her engines, boilers, etc. and
EVERGREEN LOGISTIC CORPORATION and
ROUND-THE-WORLD LOGISTICS (U.S.A)
CORP.,

Defendants.
-----X



VERIFIED COMPLAINT

08 CIV

1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, VNE CORPORATION, is a legal entity organized under the law, with an office located at 1149 Barberry Drive, Janesville, Wisconsin 53547. Defendant, EVERGREEN LOGISTICS CORPORATION, is a legal entity organized under the law, with an office located at One Evertrust Plaza, Jersey City, New Jersey 07302. Defendant, ROUND-THE-WORLD LOGISTICS (U.S.A.) CORP. is a legal entity organized under the law, with an office located at 230-59 International Airport Center Blvd., Suite 235, Jamaica, New York 11413.
3. During all times herein mentioned, defendant was the owner and/or operator of the M/V "APL CHINA" and operated it in the common carriage of goods by water for hire between Keelung/Kaohsiung and Los Angeles.

4. The M/V "APL CHINA", is now or during the pendency of this action will be, within this District.
5. On or about August 7, 2007, Sanfit Metal Industry Co. Ltd. delivered a shipment of 324 cartons Hex nut, rubber hose adapter clamp to defendants, as common carriers at the port of Keelung in good condition, for transportation on board the M/V "APL CHINA" to Chicago, in consideration of an agreed freight and pursuant to the valid terms and conditions of clean onboard bill of lading issued by defendants and the M/V "APL CHINA".
6. Defendants caused said goods, still in good order and condition to be laden on board the M/V "APL CHINA". On or about August 27, 2007, the M/V "APL CHINA" arrived at the port of Los Angeles and thereafter delivered said shipment at Chicago, Illinois in a short, slack and damaged condition.
7. Prior to August 27, 2007, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said shipment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$25,000, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

WHEREFORE, plaintiff prays:

1. That the M/V "APL CHINA" be arrested;

2. That process issue against defendant EVERGREEN LOGISTICS CORPORATION and ROUND-THE-WORLD LOGISTICS (U.S.A.) CORP. and that defendants be cited to appear and answer the allegations of the complaint;
3. That an interlocutory judgment be entered in favor of the plaintiff against the M/V "APL CHINA", against defendants directing that the plaintiff recover its damages and that the M/V "APL CHINA", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
5. That final judgment against defendant and the M/V "APL CHINA", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York
August 11, 2008

DERMOTT & RADZIK, LLP
Attorneys for Plaintiff

By


William R. Conner III (WC 4631)

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88 Pine Street
New York, New York 10005
212-376-6400

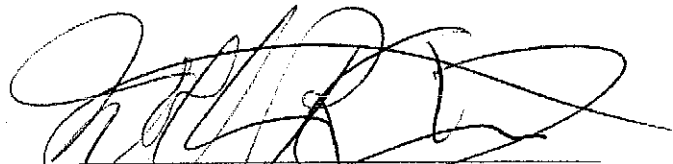
STATE OF NEW YORK)
 : S.S.
COUNTY OF NEW YORK)

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

I am a member of the firm of McDermott & Radzik, LLP., attorneys for the Plaintiff in this action.

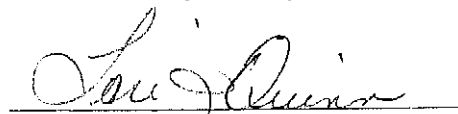
I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.



William R. Connor III (WC 4631)

Sworn to before me this
11th day of August, 2008



Notary Public

LORI J. QUINN
Notary Public, State of New York
No. 01QU5062709
Qualified in Nassau County
Commission Expires July 1, 2010